

Notice of Allowability

Application No.

09/661,898

Examiner

Thierry L. Pham

Applicant(s)

WARD ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 9/24/07 and authorized Examiner's amendment dated 10/2/07.
2. ☒ The allowed claim(s) is/are claims 1, 3-4, 8, 9, 13, 17-18 are allowed, renumbered as claims 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

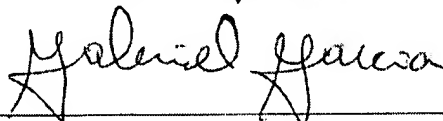
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-832)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

GABRIEL GARCIA
PRIMARY EXAMINER



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DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 9/24/07 and authorized Examiner's amendment dated 10/2/07.
- As the results of authorized Examiner's amendment, claim 5 has been canceled; claims 1, 3-4, 8, 9, 13, 17-18 are allowed, renumbered as claims 1-8.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/07 has been entered.

Response to Arguments

Applicant's arguments, see pages 6-8, filed 9/24/07, with respect to claims 1 & 8 have been fully considered and are persuasive. The prior art rejection under 102(e) of claims 1 & 8 has been withdrawn.

Allowable Subject Matter

Claims 1, 3-4, 8-9, 13, 17-18 are allowable over prior art of record; renumbered as claims 1-8.

The following is an examiner's statement of reasons for allowance: The cited prior art (US 6317218 to Yorkey et al and other previously cited prior arts) of record teaches a method for automatically selecting print job mode based upon print's job characteristics, however, it fails to teach and/or suggest "a method for automatically correlating, comparing, and selecting print settings based upon user's prior print settings with current's print job characteristics and in combinations of other features" as cited in

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independent claims 1 and 8 (renumbered as claims 1 & 4 respectively). In addition, independent claims 9 and 17 contain allowable subject matter that was previously stated in Office Action mailed 3/22/07, wherein the cited prior art of record fails to teach and/or suggest automatically analyzing a plurality of characteristics relating to document data in the current document, the plurality of characteristics including a host device type, a type of text data, a type of image data, an infrared communication, and a radio frequency communication, automatically comparing plurality of analyzed characteristics with user's prior print settings preference associated with prior documents, and to automatically select an appropriate print setting based upon the analyzed characteristics ***and in combinations of other features*** as cited in independent claims 9 & 17 (renumbered as claims 5 & 7 respectively). The examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of prior arts that teaches the above limitations and in combinations of other features cited in claims 1, 8, 9, and 17 (renumbered as claims 1, 4, 5, and 7 respectively).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Ormiston on 10/2/07.

Please cancel the following claim:

5. (Canceled).

Conclusion

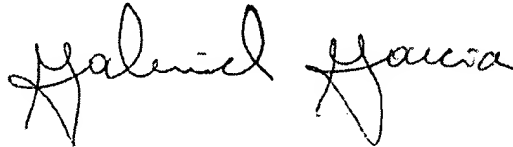
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, cursive script.

GABRIEL GARCIA
PRIMARY EXAMINER